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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,350	06/23/2006	Masahiro Murakawa	KUB-005	3367
32628 7590 12/31/2007 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848			EXAMINER VO, CECILE H	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,350	Applicant(s) MURAKAWA ET AL.	
	Examiner /Cecile Vo/	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/23/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/4/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a non-final Office Action in response to the present US application number 10/584,350, filed on 06/23/2006, which is a national stage entry of PCT/JP04/19163 International Filing Date: 12/22/2004.

Claim Objections

2. Claims 2-5 are objected to because of the following informalities: The preamble "A *parameter adjusting device*" of the claims should be changed to --**The** parameter adjusting device--. Appropriate correction is required.
3. Claims 3-4 are objected to because of the following informalities: The term "*according to claim 1, comprising*" of the claims should be changed to --according to claim 1, **further** comprising--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rendered as indefinite because this claim fails to further define the boundaries to of a method or apparatus claim.

Claims 2-5 are rejected because they depend on rejected claims. Dependent claims contain the limitations of the parent claims and are therefore rejected for the same reason.

Claims 1-3 recite the limitation "*a local search method*" is not defined by the claims, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 2 is vague because the term "*a lowest processing capability among said multiple processing means is assigned to search processing by the local search method*" is unclear, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-5, especially claim 1, directed to neither a process nor a machine, but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. § 101.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (hereinafter referred to as Hill), US Patent Number 5,924,097.

Regarding claim 1, Hill discloses, a parameter adjusting device optimizing parameters using a genetic algorithm with a multiple processing means (e.g. the multiprocessing computer system 100 of Fig. 1), comprising a processing assignment (e.g. request message, col. 4, lines 25-29) means wherein a part of said multiple processing means is assigned to search processing by a local search method (e.g. step 502 and 504 of Fig. 5. Wherein, each of the host processors has a corresponding input message queue and output message queue in the I/O task management system, col. 4, lines 60-62).

Regarding claim 2, Hill further discloses processing assignment means with a lowest processing capability among said multiple processing means is assigned to search processing by the local search method (e.g. each host has available processing capacity, it will service more message, col. 6, lines 24-32).

Regarding claim 3, Hill further discloses a search processing control means configured for collecting an interim result of search from the processing means being assigned to the

processing by the genetic algorithm in said multiple processing means, and for the search processing by the local search method (e.g. each of the host processors is interfaced to input/output (I/O) processors, which perform functions necessary to control I/O operations, col. 3, lines 52-54).

Regarding claim 4, Hill further discloses an individual decision means that determines the individual being processed by the genetic algorithm through the processing means being assigned to the processing by the genetic algorithm in said multiple processing means, according to a processing capability of a respective processing means (this limitation has the same subject matter as of claim 2, therefore, it is rejected for the same reason as discussed in claim 2 above).

Regarding claim 5, Hill further discloses multiple processing means include a determination means determining whether to satisfy search processing termination conditions respectively, and when a termination is determined in an optional processing means, an entire processing of the device is terminated (col. 8, lines 39-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Cecile Vo/ whose telephone number is 571-270-3031. The examiner can normally be reached on Mon - Thu (8:30AM - 6:00PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/584,350
Art Unit: 2169

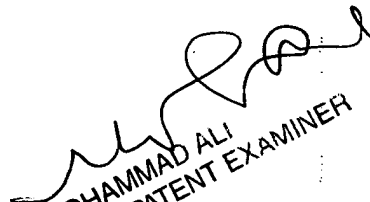
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 12, 2007

/Cecile Vo/
Patent Examiner
Art Unit 2169

/HPham/


MOHAMMAD ALI
SUPERVISORY PATENT EXAMINER